

No. 746/Project.—Whereas the Governor of Haryana is satisfied that land specified below is needed urgently by the Government at public expense, for a public purpose, namely, for constructing canal colony in village Kalupur of Tehsil Sonepat, District Rohtak, it is hereby declared that the land described in the specifications below is required urgently for the above purpose.

This declaration is made under the provision of section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said Act, the Land Acquisition Officer, Public Works, Irrigation and Power Department, Karnal is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the offices of the land Acquisition Officers, Public Works, Irrigation and Power Department, Karnal and the Executive Engineer, Yamuna Barrage Division, 117-L, Model Town, Sonepat.

In view of the urgency of the said acquisition, the Governor of Haryana, in exercise of the powers conferred by clause (b) of Sub-Section (2) of Section 17 of the said Act, hereby directs that the Land Acquisition Officer, Public Works Irrigation and Power Department, Karnal, shall proceed to take possession of the land herein specified in accordance therewith.

SPECIFICATIONS

| District | Tehsil | Village Habast No. | Area in acres | Boundaries |
|----------|---------|--------------------------|---------------------|--|
| Rohtak | Sonepat | Kalupur 205 | 4.48 | A plot of land comprising part killa Numbers 917, 920 and 924 in village Kalupur of tehsil Sonepat District Rohtak as demarcated at site and as shown on the Plan. |

By order of the Governor of Haryana,

K. S. PATHAK

Chief Engineer/Projects,
Irrigation Works, Haryana,
Chandigarh.

The 17th Februry, 1972

No. 716/FCD/506/70/4-F.—Whereas the Governor of Haryana is satisfied that land specified below is needed urgently by the Government at public expense for a public purpose, namely, for the construction of Amin Drain from R.D. 70,000 to R.D. 1,40,500 in villages Nainan, Fatehpur, Meoli, Pharai, Chuhan Mazra, Chandlana, Kaul, Pablah in tehsil Kaithal and village Raisan in tehsil Karnal, district Karnal, it is hereby declared that the land described in the specification below is required urgently for the above purpose.

This declaration is made under the provisions of Section 6 of the Land Acquisition Act, 1894, to all whom it may concern and under the provisions of section 7 of the said act, the Land Acquisition Collector, Public Works Department, Buildings and Roads Branch, Ambala Cantonment is hereby directed to take order for the acquisition of the said land.

Plans of the land may be inspected in the offices of the Land Acquisition Collector, Public Works Department, Buildings and Roads Branch, Ambala Cantonment, and the Executive Engineer, Kaithal Drainage Division, Kaithal.

In view of the urgency of the said acquisition, the Governor of Haryana in exercise of the powers conferred by clause (b) sub-section (2) of section 17 of the said Act, hereby directs that the Land Acquisition Collector, Public Works Department, Buildings and Roads Branch, Ambala Cantonment shall proceed to take possession of the land herein specified in accordance therewith.

SPECIFICATIONS

| District | Tehsil | Village | Area in Acres | Boundary |
|----------|---------|--------------|---------------------|---|
| Karnal | Kaithal | Nainan | 30.69 | |
| Do | Do | Fatehpur | 25.76 | |
| Do | Do | Meoli | 12.34 | |
| Do | Do | Pharal | 40.98 | A strip of land 70,500 feet in length with varying widths lying generally in the direction South-West to North-East as demarcated at site and as shown in the Index Plan and passing through the Khasra Numbers as per statement given below. |
| Do | Do | Chuhar Mazra | 4.53 | |
| Do | Do | Chandlana | 9.49 | |
| Do | Do | Kalu | 19.27 | |
| Do | Do | Pablah | 4.70 | |
| Do | Karnal | Raisan | 8.53 | |
| | | Total | 156.29 | |

List of No. Khasras coming under acquisition of Amin Drain R. D. 70,000 to 140,500

| Serial No. | District | Tehsil | Name of Village | Hadbast No. | No. Khasras |
|---------------|----------|---------|--------------------|----------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | Karnal | Kaithal | Nainan | 7 | 22 |
| | | | | | 21, 22/1, 22/2, 23, 24, 25 23 |
| | | | | | 6, 15/1, 15/2, 16, 17, 18, 19, 21, 22, 23/1, 23/2, 24, 25, 14 24 |
| | | | | | 1, 2, 3, 4/1, 4/2, 5/1, 4/3, 5/2, 6, 7/1, 7/2, 8, 9, 10, 11, 20 25 |
| | | | | | 1/1, 8, 9, 10, 11/1, 12, 13, 14, 15, 16, 17, 6, 7 26 |
| | | | | | 11, 12/1, 12/2, 13/1, 13/2, 14, 15, 16, 17, 18, 19, 20 21 25 |
| | | | | | 11, 12, 13, 19, 20, 8, 9, 10, 6, 7, 8/1, 8/2, 9/1, 9/2, 10 32 33 |
| | | | --- | | 1, 2 10, 1, 2, 3, 4, 5 |

| Serial No. | District | Tehsil | Name of Village | Hadbast No. | No. Khasras |
|---------------|----------|----------|--------------------|----------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1—concl'd | Karnal | Kaithal | Nainan—concl'd | 7—concl'd | 34 |
| | | | | | 4, 5, 6, 7, 8, 13, 14, 17, 18, 19, 21, 22, 23, 15 40 |
| | | | | | 41 |
| | | | | | 5, 6, 14, 15, 16, 17, 18, 22, 23, 24 53 |
| | | | | | 54 1, 2, 10, 11 |
| | | | | | 1, 2, 8, 9, 10, 11, 12, 20 55 |
| | | | | | 15, 16, 17, 24, 25 |
| | | | | | —, 110, 111, 145, 147, 148, 153, 154, 523, 4 92 |
| Do | Do | Fatehpur | | 8 | 17 |
| | | | | | 7, 8, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23 28 |
| | | | | | 29 |
| | | | | | 1, 2, 10 5, 6, 7, 8, 11, 12, 13, 14, 15, 19, 18, 20 30 |
| | | | | | 15, 16, 17, 18, 21, 19/1, 19/2, 22, 23, 24, 25 31 |
| | | | | | 35 |
| | | | | | 23, 24, 25 13, 14, 15, 16, 17, 18, 36 |
| | | | | | 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 8, 7, 6, 6, 7, 8, 9/1, 9/2, 10 37 |
| | | | | | 6, 7, 8, 11, 12, 13, 14, 15, 18/1, 19, 20, 26 38 |
| | | | | | 1, 2, 3/1, 3/3, 9, 10, 11, 12, 4, 5/1, 5/2, 7, 8/1 39 |
| Do | Do | No'l'i | | 9 | 1, 2, 9, 10 371, 280, 337, 374, 356, 1352, 1357, 1383, 1384 |
| | | | | | 32 33 34 |
| | | | | | 24/2, 25 35 21 1 |
| | | | | | 1, 2, 3, 4, 5, 7, 8/1, 8/2, 9, 10, 11 38 |
| | | | | | 16, 25 36 |
| | | | | | 6, 7, 8, 9/2, 10/1, 10/2, 11, 12, 13, 14, 15/1, 15/2, 18, 19, 20 37 |
| | | | | | 2/2, 3, 4, 6, 7, 8, 11, 9, 12, 13, 14, 15/1, 15/1, 19, 20, 21 43 44 |
| | | | | | 4, 5, 6, 7 53, 68, 70, 73, 74, 219, 220 |

| Serial No. | District | Tehsil | Name of Village | Hadbas No. | No. Khāsras |
|------------|----------|---------|-----------------|---|--|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 4 | Karnal | Kainhal | Phral | 12 | 162 |
| | | | | 6, 7, 12, 13, 14, 15, 18, 19, 20, 21 161 | |
| | | | | 16, 17/2, 21, 22, 23, 24, 25 163 | 172 |
| | | | | 2, 3, 8, 9, 10, 11 173 | 1/1, 1/2, 2/1, 2/2, 3 |
| | | | | 13/1, 3, 4/2, 5/1, 5/2, 6, 7, 8, 9, 10, 11, 12 174 | 200 |
| | | | | 15, 16, 17, 24, 25/1, 201 | 16/1, 25 |
| | | | | 3, 4, 8, 9, 11, 12, 19, 20, 21 219 | |
| | | | | 4, 5, 7/1, 7/2, 8, 13, 14, 18, 19, 22, 23, 21 243 | 244 |
| | | | | 6, 15, 16, 17, 24, 25 261 | 1, 2, 9/2, 10, 11 |
| | | | | 3, 4, 7, 8, 9, 11, 12, 13, 19, 20, 21, 22 262 | 2279 |
| | | | | 25, 5/1, 5/2, 6, 7, 14, 15, 16, 17, 18, 23, 24 250 | 286 |
| | | | | 1, 10, 3, 4, 7, 8, 9, 12, 13, 18, 19, 21, 22, 23 294 | 295 |
| | | | | 16, 24, 25 21 | 1, 2, 9, 10/1, 10/2, 11, 12, 19, 20 301 |
| | | | | 1, 2, 3, 4, 5, 7, 8, 9, 10, 11/1 302 | |
| | | | | 6, 7, 8, 11/2, 12, 13, 14, 15, 18, 19, 20/1, 20/2, 20/3 | 303 |
| | | | | 15, 16, 17/1, 17/2, 18, 19, 21, 22, 23, 24, 25 | 305 |
| | | | | 1, 2/1, 2/2 352, 370, 371, 373, 399, 420, 449, 462, 1297, 1303, 1330, 1340, 1343, 454 | |
| 5 | Do | Do | Chuhar Mazra | 13 | 59 |
| | | | | 7, 8, 9, 11, 12, 13/1, 60 | 13/2, 14, 20 |
| | | | | 15, 16, 17, 18, 19/1, 19/2, 21, 22, 23, 24 61, 62, 63 | |
| | | | | 25, 3, 4, 5, 1 | 73, 342 |

| Serial No. | District | Tehsil | Name of Village | Hadbast No. | No. Khasras |
|---------------|----------|---------|--------------------|----------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 6 | Karnal | Keithal | Chandlana | 13/1 | 83 22, 23, 1, 2, 3, 9, 10, 11 85 6, 14, 15, 16, 17, 23, 24 92 2, 3, 9, 10, 11, 20 91 15, 16, 17, 23, 24/1, 24/2, 25 95 2, 3, 4, 8, 9/1, 9/2, 10, 1, 11/1, 11/2, 11/3, 20, 12 96 17, 15, 16, 23, 24, 25/1, 25/2 98 5, 6, 7 137/2 1, 2, 3, 4, 9, 10 |
| 7 | Do | Do | Kaul | 16/1 | 23 3, 4, 5, 6, 7, 8, 9, 12, 13, 19, 20, 21, 22 24 25, 5, 6, 7, 13, 14, 15, 17, 18, 22/2, 23, 24 40 1, 2, 3, 9, 10, 11, 12, 20 48 15, 16, 24, 25 61 4, 5, 7/2, 8, 12/2, 13, 14, 18, 19, 22, 21 77 1, 2, 10, 11 88 25/2 110 1, 5, 6/1, 6/2, 7/1, 7/2, 13, 14, 15/1, 17, 18, 21, 22, 23, 24 117 23, 24, 25 16, 17, 18, 19, 21, 22, 23, 24, 25 119 12, 13, 14, 15, 16, 17/1, 17/2, 18, 19, 20/1, 20/2 120 6, 7, 8, 9, 10, 11/1, 11/2, 11/3, 12, 13, 14, 121 1/1, 1/2, 2, 2, 3, 4, 5, 7, 8, 9, 10/1, 10/2 |

| S. No. | District | Tehsil | Name of village | Habbast No. | No. Khasras |
|-----------|----------|--------------|-----------------|--------------|--|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 7—concl'd | Kaithal | Kaul—concl'd | | 16/1—concl'd | 122, 123, 148, 1, 2, 3, 4, 5, 1, 2, 3, 3, 4, 5, 298, 322, 323, 334, 342, 1403, 1411, 1424, 1467, 1477, 1473 112 |
| Do | Do | Pablah | | 21 | 21, 22, 23, 24, 25, 20 21, 5, 1, 2, 3, 6, 7/1, 7/2, 8, 9, 10, 15, 22 |
| Do | Do | Raisan | | 12 | 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 23 11, 16, 17, 18, 19, 20, 23, 24, 25, 24 26 21, 22, 23, 24 2, 3, 61 68 6, 12, 14, 15, 17, 18, 19, 21, 22, 23, 25, 69 |
| Do | Do | | | | 4, 5, 6/1, 6/2, 7/1, 7/2, 8, 12, 13, 14, 18, 19, 20, 21, 22 70 91, 1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 13, 19, 20, 92 16, 17, 23, 24, 25 96 |
| Do | Do | | | | 14, 15, 16, 17, 18/1, 18/2, 22, 23, 24 97 121 2, 3, 4, 8, 9, 10, 11 1/1, 1/2, 3/1, 2, 10, 122 4, 5, 6, 190, 230, 232 |

By order of the Governor of Haryana.

B. K. UPPAL,
Additional Chief Engineer/Projects,
Irrigation Works, Haryana,
Chandigarh.

HARYANA GOVERNMENT

LABOUR DEPARTMENT

The 22nd February, 1972.

No. 2210-4Lab. 72/7437.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to Publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s. Satnam Transport Co. (P) Ltd., Rohtak.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 101 of 1970.

Between

The Workman Shri Ajeet Singh and the Management of M/s Satnam Transport Co. (P) Ltd., Rohtak

Present.—Shri S. N. Vats, for the workman.

Nemo, for the management.

AWARD

The following industrial dispute was referred to the Labour Court, Faridabad,—*vide* Gazette Notification No. ID/RK/96-A-69/, dated 12th April, 1969, for adjudication.

“Whether the termination of services of Shri Ajit Singh, Conductor was justified and in order ? If not; to what relief is he entitled ?

In the Civil Writ Petition No. 1129 of 1969 filed by M/s Gedore Tools (P) Ltd, Faridabad, it was held by the High Court that the appointment of the Presiding Officer of the Labour Court, Faridabad was not valid. Accordingly the Government has referred the dispute to this Court for adjudication,—*vide* Gazette Notification No. 6091-E-Lab-70/22387, dated 31st July, 1970.

On receipt of the reference usual notices were issued by my learned predecessor Shri O.P. Sharma No written statement was filed by the management before Shri Sharma as the management requested for an adjournment of the case. After Shri Sharma was transferred fresh notices were issued by me for 23rd November, 1970. The question with regard to the validity of the reference to this Court was raised in a number of cases and it was held by me,—*vide* the order dated 3rd December, 1971 passed in reference No. 72 of 1970, and the references are valid. It is however now not necessary to decide the case on merits because the representative of the workman has made a statement that a compromise has been effected between the parties and the workman has relinquished his claim for re-instatement. I give my award accordingly. No order as to costs.

Dated the 17th February, 1971.

P.N. THUKRAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No., 266, Dated the 17th February, 1972.

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 23rd February, 1972

No. 2138-4Lab-72/7439.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Shri Durga Industries Railway Roads, Gurgaon.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 184 of 1970

between

The workman Shri Laxmi Ram and the management of M/s Shree Durga Industries, Rai Way Road, Gurgaon.

Present.—

Shri C.B. Kaushik, for the workman.

Shri Sudarshan Parkash, for the management.

INDUSTRIAL DISPUTE AND INDUSTRIAL AWARD

The following industrial dispute between the workman Shri Lakhi Ram and the management of M/s Shree Durga Industries, Railway Road, Gurgaon was referred to this Court for adjudication,—*vide* Gazette Notification No. ID/GG/57-B-70, dated 25th September, 1970.

“Whether the termination of services of Shri Lakhi Ram was justified and in order ? If not ; to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. The case of the workman is that he has been in continuous service of the respondent from August, 1969 and was getting Rs 225 per mensem. It is stated that the management verbally ordered the workman to leave the factory on 14th May, 1970 without indicating any reason.

The management in their written statement raised a preliminary objection that the cause of the workman is not supported by a substantial number of workmen and, therefore, the reference is illegal. An additional objection was also taken that the workman did not approach the management for the removal of his grievances before approaching the Conciliation Officer and for this reason also the reference is illegal. On merits it is pleaded that the workman was appointed on temporary basis on 22nd October, 1969 and not in August, 1969 and he worked up to 13th May, 1970 only. It is further pleaded that the workman was a habitual absentee and was also in the habit of loitering outside his place of work and was a shirker. It is further pleaded that he had accepted Rs 170 in full and final settlement of his claims. The pleadings of the parties gave rise to the following issues :—

1. Whether the order of reference is not valid because the case of the workman is not espoused by majority of workers ?
2. Whether the termination of services of Shri Lakhi Ram was justified and in order ? If not ; to what relief is he entitled ?
3. Whether a sum of Rs 170 was paid to the workman in full and final settlement ?
4. Whether the present reference is incompetant because the applicant did not approach the management for removal of his grievance before approaching the Conciliation Officer ?

Issue No. 1 and 4.—The objections regarding the validity of the reference can be discussed together. The present dispute has been raised by an individual workman under section 2-A of the Industrial Disputes Act, 1947 and it was, therefore, not necessary that his case should have been espoused by a substantial number of workmen. There is also no force in the plea that the reference is invalid because the workman did not first approach the management for the redress of his grievances. The averments in the written statement indicate that the management was fed up with the workman because of his alleged unsatisfactory work and habitual absence. It is in the evidence of Shri Mohar Singh, Manager of the respondent concern that the workman did not report for duty and for this reason a notice dated 27th May, 1970 was given to him and another person was appointed in his place on that very date because the work was suffering. Absence from duty without permission amounts to misconduct and not abandonment from service. It is, therefore, for the management to prove that the work of Shri Lakhi Ram was unsatisfactory and the termination of his appointment was not justified. The order of reference can not be held to be illegal for the reasons stated by the management. I, therefore, find both these issues in favour of the workman.

Issue No. 2.—The workman in his evidence disclosed for the first time the real reason as to why his services were terminated. He says that he with three other persons were required to work on the furnace and the work being of a very strenuous nature the duty is changed after every hour. The workman says that on 14th May, 1970 he performed his duty for one hour but then his co-workers refused to relieve him and the foreman asked the workman to continue and he performed duty for one more hour and then requested for being relieved. The workman says that he told the foreman that he was not being paid extra for performing this hard duty upon which the foreman took him and his companions to the Manager who directed his companions to go back to work but terminated his service for no reason what so ever. The workman has not given this version either in the demand notice or even in the statement of claim filed in this Court. On the contrary in the state of claim, the version given is that the Manager was angry with the workman concerned because he had made a complaint against him (the manager) for his mis-behaviour with the workmen working on the furnace. The workman in his evidence does not allege that the Manager mis-behaved with the workman and that complaint if any was made by him. Now the story given is that the management terminated his services simply because he was not willing to perform extra duty on the furnace.

The management in their written statement have stated that Shri Lakhi Ram was a habitual absentee. It is stated that he was absent from duty without leave from 27th December, 1969 to 31st December, 1969, from 16th January, 1970 to 17th January, 1970 from 22nd April, 1970 to 1st May, 1970 and from 8th May, 1970 to 9th May, 1970. Shri Mohar Singh, Manager of the respondent concern has appeared as witness. He brought the attendance register with him and from the entries in the said register has proved the absence of the workman on

the dates given above. In cross-examination the only question put to him was that the workman was not charge-sheeted on account of his previous unauthorised absence. It was not suggested even to the Manager that the entries in the attendance register with regard to the alleged absence of the workman were not correct. The workman in his evidence also does not say that the allegations of habitual absence was not correct. This means that the workman does not deny the allegations of the management that he worked only at his pleasure. The allegation made in the claim statement that his services were terminated because he complained regarding the alleged mis-behaviour of the Manager with the workmen is not even proved. On the contrary an altogether new story has been set up that the services of the workman were terminated because he did not agree to perform extra duty. Hence it cannot be said that the termination of the services of the workman is not proved to be unjustified. I find this issue in favour of the management.

Issue No. 3.—It is not proved by the management that while accepting his previous dues, the workman relinquished his claim for re-instatement. I find this issue in favour of the workman.

In view of findings on issue No. 2, the workman is not entitled to any relief. I give my award accordingly. There will be no order as to costs.

The 2nd February, 1972.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

Endorsement No. 256, dated Rohtak, the 16th February, 1972.

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Department, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL.

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2075-4Lab-72/7441.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Barmaco Fabricators, Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 93 of 1971.

Between

The workmen and the management of M/s Barmaco Fabricators, Faridabad.

Present : Shri Darshan Singh, for the workmen.

Shri S.L. Gupta, for the management.

AWARD

The Governor of Haryana in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred for adjudication, the following dispute existing between the management of M/s Barmaco Fabricators, 19 Industrial Area, N.I.T., Faridabad and its workmen by order No. ID FD/554-E-71/31637-41, dated 26th October, 1971.

Whether the management should pay Bonus for the year 1969-70 to the workmen ? If so, with what details ?

On receipt of the reference, usual notices were given to the parties. It has been urged on both sides that the demand for bonus for the year 1969-70, the subject matter of the present reference is covered by an earlier reference between the parties registered as Reference No. 8 of 1971 in which some proceedings have already been recorded and as such no proceedings are called for in the present case which would amount to only duplication of work.

In view of the above, the present reference has to be filed as being unnecessary since the award with regard to the dispute covered by this reference has to be made in the earlier reference between the parties and I order accordingly.

O. P. SHARMA,

The 14th February, 1972.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 232, dated 14th February, 1972,

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA.

The 14th February, 1972.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 2139-4Lab.-72/7443.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s The Karnal Haryana Co-op. Marketing-cum-Processing Society, Ltd., Karnal.

BEFORE SHRI P.N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 34 of 1971

Between

The workman Shri Ranbir Singh and the management of M/s. The Karnal Haryana Co-op. Marketing-cum-Processing Society, Ltd., Karnal.

Present : Shri Madhu Sudan Sharai, Cowshish, for the workman.

Shri Roshan Lal Gupta, for the management.

AWARD

Shri Ranbir Singh was serving as a salesman in M/s. The Karnal Haryana Co-op. Marketing-cum-Processing Society Ltd., Karnal. His services were terminated and this gave rise to an industrial dispute. Accordingly the Governor of Haryana in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following industrial dispute to this Court for adjudication, — vide Gazette Notification No. ID/8204-9, dated 19th February, 1971.

Whether the termination of services of Shri Ranbir Singh, Sales man was justified and in order ? If not; to what relief is he entitled ?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement.

A number of preliminary objections were raised which gave rise to the following issues :—

1. Whether the applicant is not a workman ?
2. Whether the reference is not valid because the applicant Shri Ranbir Singh never raised a dispute with the management before the present order of reference were issued and the demand notice signed on behalf of the P.W.D. Workers Union, which is not connected without industry is not legal ?
3. Whether the present reference is barred by section 55 of the Punjab Co-operative Societies Act ?
4. Whether the reference is not valid because this Court has no jurisdiction to adjudicate upon the validity of the retrenchment ?

Issue No. 1.—Shri Ram Dhari, Manager of the respondent concern states that Shri Ranbir Singh was employed as a salesman in the consumer cell and that he had no Clerk or any other person to assist him. Shri Ranbir Singh in his evidence says that although he was employed as Salesman but he also used to issue the slips. However, this fact can not be denied that the primary duty of the applicant was to look to the sales side. It has been held in 1970-II-LLJ-590 (Burmahshell company) that a person who is employed for the conveying of sales is not a workman because it cannot be said that he is employed to do any skilled or unskilled manual supervisory work, technical work or clerical work. It must, therefore, be held that the applicant does not fall within the definition of a workman and the reference is not valid on this account.

In view of my decision above, it is not necessary to give any findings on the other issues. I give my award accordingly. No order as to costs.

Dated 4th February, 1972.

P. N. THUKRAL, •

Presiding Officer,
Labour Court, Haryana Rohtak.

No. 257, dated Rohtak, the 16th February, 1972.

Forwarded, in quadruplicate, to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2141-4Lab.-72/7443.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to Publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workmen and the management of M/s Gobind Steel Industries, Bahadurgarh.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 71 of 1971

between

THE WORKMAN SHRI DORI LAL AND THE MANAGEMENT OF M/S. GOBIND STEEL INDUSTRIES, BAHADURGARH

Process:—

Shri Onkar Pashad, for the workman.

Nemo, for the management.

AWARD

The following industrial dispute was referred to this Court for adjudication, —*vide* Government Gazette Notification No. ID/RK/208-A/dated 9th June, 1971:—

Whether the termination of services of Shri Dori Lal was justified and in order? If not, to what relief is he entitled?

It is necessary to decide the case on merits because the representative of the workman has made a statement that the workman has settled his dispute with the management in full and final settlement of all his claim and he gave up his claim for re-instatement. I give my award accordingly. No order as to costs.

Date the 17th February, 1972.

P. N. THUKRAL

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 262, dated Rohtak, the 16th February, 1972.

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 2142-4Lab. 72/7447.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workman and the management of M/s Bengal National Textiles Mills Ltd., Faridabad.

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 153 of 1970.

between

THE WORKMEN SHRI BIMAL KUMAR NANDI AND THE MANAGEMENT OF M/S BENGAL NATIONAL TEXTILES MILLS LTD., FARIDABAD.

Present,—

Shri Bimal Kumar Nandi, workman.

Shri D.C. Bhardwaj, for the management.

AWARD

The following industrial dispute between the workman Shri Bimal Kumar Nandi and the management of M/s Bengal National Textiles Mills Ltd., Faridabad was referred to this Court for adjudication, vide Gazette notification No. ID/FD/559-A, dated 4th September, 1970 :—

Whether the termination of services of Shri Bimal Kumar Nandi was justified, and, if so, in order? If not, to what relief is he entitled?

It is not necessary to decide the case on merits because a compromise has been effected between the parties. According to the compromise, the workman would be entitled to receive in all Rs 500 from the respondent on account of bonus for the year 1969-70 and 1970-71 leave wages, retrenchment compensation and notice pay etc, and he has no other claim. The statements of the parties have been recorded and they admit the correctness of this settlement. Accordingly, I give my award and no order as to costs.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

Dated 16th February, 1972.

No. 263, dated, Rohtak, the 16th February, 1972.

Forwarded in quadruplicate to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Haryana, Rohtak.

The 24th February, 1972.

No. 2076-4Lab 72/7365.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s Arial Bros., Faridabad.

BEFORE SHRI O. P. SHARMA PRESIDING, OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 137 of 1970

between

THE WORKMEN AND THE MANAGEMENT OF M/S ARIAL BROS. FARIDABAD
Prems. |

Nemo, for the workmen.

Shri R. C. Sharma, for the management.

AWARD

The workmen of M/s Aerial Bros., Faridabad raised a demand for bonus at 20 per cent for the year 1969 which was not agreed to by the management. Shri Bhim Singh Yadev, General Secretary of Engineering Mazdoor Union, Faridabad then gave the demand notice, dated 21st September, 1970 whereupon conciliation proceedings were started by the Labour-cum-Conciliation Officer, Faridabad but without any success.

On receipt of the failure report from the Labour-cum-Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this Tribunal.—*vide* order No. ID/FD/160-A/53951—55, dated 28th December, 1970, the term of reference being given as under :—

Whether the workmen are entitled to the grant of bonus for the year 1969 ? If so, with what details ?

Usual notices were given to the parties but no statement of claim has been filed by the concerned workmen or their authorised representative Shri Bhim Singh Yadev who had given the demand notice leading to the present reference. The management filed the written statement contesting the above claim of the workmen on merits pleading *inter alia* that the dispute had not been properly espoused and the demand for bonus was barred by an agreement, dated 30th January, 1971 brought about between the parties under section 18(1) of the Industrial Disputes Act, 1947. The following issues arose for determination in the case :—

- (1) Whether the present dispute is not an industrial dispute for the reason mentioned in para No. 1 of the preliminary objection in the written statement filed by the management ?
- (2) Whether the workmen are entitled to the grant of bonus for the year 1969 ? If so, with what details ?

Issue No. 1.—The management has brought on record the balance sheet Exhibit M. W.1/1, the profit and loss account statement Exhibit M. W.1/2, the agreement, dated 30th January, 1971, Exhibit M. W. 1/3, which have been proved by their Manager Shri Roop Chand. The workmen have led no evidence in the case. As already pointed out they had not filed any statement of claim. It will not be out of place to observe here that Shri R. L. Sharma, President, General Labour Union had asked for the permission of the Court to represent the workmen. His request was opposed by the management but the same was granted,—*vide* order dated 7th May, 1971. Even Shri R. L. Sharma also did not take any interest in the proceedings and elected not even to put in his appearance on certain dates of hearing fixed in the case. The case had, therefore, to be proceeded within the absence of the workmen and their authorised representatives. On 6th July, 1971, however, an application was received from Shri R. L. Sharma requesting that the case be taken up in his presence at Ballabgarh to suit his convenience. This application does not bear his signatures. Shri Suraj Rattan has appeared on his behalf but he does not hold any letter of authority to represent the workmen.

I have heard the learned representative of the management and considered the facts on record. As would be clear from the above discussions, the workmen have not come forward with the statement of claim showing the grounds to justify their claim for bonus at 20 per cent for the year 1969 nor have they produced any evidence to indicate that their above demands had been properly endorsed by a substantial number of the workmen of the establishment concerned. No proceedings of any meeting of the members of the union have been filed nor a copy of any resolution authorising the union to raise the dispute. The necessary evidence to prove the proper espousal of the dispute as required by law is thus hopelessly lacking in the case and, in the absence of that evidence documentary as well as oral, the above objection raised on behalf of the management has to prevail. Issue No. 1 is accordingly decided against the workmen.

Issue No. 2.—With regard to issue No. 2 also, there is no material brought on the record by the workmen to support their claim for bonus for the relevant period. The management, on the other hand, has produced the balance sheet and profit and loss account statement for the relevant period a perusal of which would indicate that losses amounting to Rs 46,112.47 Paisa had been incurred in the year 1968-69, and that being so, the question of the workers being entitled to the bonus claimed by them does not arise. Then it has come in evidence that this establishment had started its production only in 1965 and as such would be entitled to exemption from

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payment of bonus under section 16 of the Payment of Bonus Act, 1965 being a newly set up industrial concern. This fact had been admitted by the concerned workmen in so many words in the settlement, dated 30th January, 1971, Exhibit M.W.1/3 entered into by them with the management under section 18(1) of the Industrial Disputes Act, 1947. Their claim for bonus is clearly barred under his agreement also.

It would thus appear that the claim of the workmen for bonus for the year 1959 apart from being barred under the provisions of law and an existing settlement is otherwise not well-founded. Issue No. 2 is also decided against them.

For the reason aforesaid it is held that the workmen are not entitled to bonus for the year 1969 and the award is made accordingly. In the circumstances there shall be no order as to costs.

Dated 15th February, 1972.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 233] Dated 15th February, 1972.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 15th February, 1972.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

B. L. AHUJA,

Commissioner for Labour and Employment and
Secretary to Government, Haryana.